

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JUNE E. ADAMS IRREVOCABLE TRUST
DATED 7/21/14 FBO EDWARD ROBERT
ADAMS, individually and on behalf of all
others similarly situated,

Plaintiff,

v.

INTERNATIONAL BUSINESS MACHINES
CORPORATION, VIRGINIA M. ROMETTY,
MARTIN J. SCHROETER, JAMES J.
KAVANAUGH, ARVIND KRISHNA,
BRIDGETTE VAN KRALINGEN, SHANKER
RAMAMURTHY, PABLO SUAREZ, SARAH
DIAMOND, ALISTAIR RENNIE, MARK
ANDREWS, DON INDIA, CHRIS
JOHNSTON, and MARK FOSTER,

Defendants.

CASE No.: 7:23-cv-00332-VB

~~PROPOSED~~ ORDER
APPOINTING LEAD PLAINTIFF,
AND APPROVING LEAD
PLAINTIFF'S SELECTION OF
COUNSEL

CLASS ACTION

4/3/23

WHEREAS, pursuant to the Private Securities Litigation Reform Act of 1995 (“PSLRA”), 15 U.S.C. § 78u-4(a)(3)(A)(i), on January 13, 2023, a notice was issued to potential class members of the action informing them of their right to move to serve as lead plaintiff within 60 days of the date of the issuance of said notice;

WHEREAS, on March 14, 2023, movant June E. Adams Irrevocable Trust Dated 7/21/14 FBO Edward Adams (“Movant”) timely moved the Court to appoint Movant as Lead Plaintiff, and to approve Movant’s selection of The Rosen Law Firm, P.A. and Evangelista Worley LLC as Co-Lead Counsel;

WHEREAS, the PSLRA provides, among other things, that the most-adequate plaintiff to serve as lead plaintiff is the person or group of persons that has either filed a complaint or has

made a motion in response to a notice and has the largest financial interest in the relief sought by the Class and satisfies the requirements of Fed. R. Civ. P. 23;

WHEREAS, the Court finding that Movant has the largest financial interest in this action and *prima facie* satisfies the typicality and adequacy requirements of Fed. R. Civ. P. 23. *See* 15 U.S.C. § 78u-4(a)(3)(B)(iii)(I); and

IT IS HEREBY ORDERED THAT:

APPOINTMENT OF LEAD PLAINTIFF AND LEAD COUNSEL

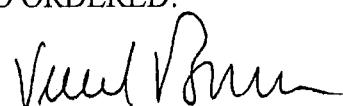
1. Pursuant to Section 21D(a)(3)(B) of the Exchange Act, Movant is appointed as Lead Plaintiff for the class as Movant has the largest financial interest in this litigation and otherwise satisfies the requirements of Fed. R. Civ. P. 23.

2. Movant's choice of counsel is approved and accordingly, The Rosen Law Firm, P.A. and Evangelista Worley LLC are appointed as Co-Lead Counsel.

3. Co-Lead Counsel, after being appointed by the Court, shall manage the prosecution of this litigation. Co-Lead Counsel is to avoid duplicative or unproductive activities and is hereby vested by the Court with the responsibilities that include, without limitation, the following: (1) to prepare all pleadings; (2) to direct and coordinate the briefing and arguing of motions in accordance with the schedules set by the orders and rules of this Court; (3) to initiate and direct discovery; (4) to prepare the case for trial; and (5) to engage in settlement negotiations on behalf of Lead Plaintiff and the Class.

SO ORDERED:

Dated April 4, 2023



VINCENT L. BRICCETTI
UNITED STATES DISTRICT JUDGE